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Crl.R.C.No.989 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.06.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.R.C.No.989 of 2024**

Gopi ... Petitioner

Vs.

Dhanasekaran ... Respondent

**PRAYER :** Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to set aside the order passed in Crl.M.P.No.5284 of 2023 in C.C.No.197 of 2022 on the file of the learned Judicial Magistrate No.II, Tindivanam, dated 16.11.2023.

For Petitioner : Mr.P.Shanmugavelu

For Respondent : Mr.M.P.Yuvaraj

**ORDER**

This criminal revision case has been filed against the order passed in Crl.M.P.No.5284 of 2023 in C.C.No.197 of 2022 on the file of the learned Judicial Magistrate No.II, Tindivanam, dated 16.11.2023.



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2. The petitioner has filed a petition u/s 245(2) of Cr.P.C. seeking to discharge him from the charges levelled against him in C.C.No.197 of 2022, before the learned Judicial Magistrate No.II, Tindivanam, which was dismissed by the trial Court, vide impugned order, dated 16.11.2023. Challenging the same, the petitioner has filed the present revision.

3. Though very many grounds have been raised by the petitioner against the order impugned, however, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that the petitioner would contest the case before the trial Court and this Court, without going into the merits of the case may dispense with the appearance of the petitioner before the trial court.

4. Though such a prayer has been sought for, however, it is to be pointed out that the presence of the petitioner cannot be dispensed with in toto. In such view of the matter, this Court, without going into the merits of



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the case, directs that the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving copies u/s.207 and questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

5. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

**13.06.2024**

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

1. The learned Judicial Magistrate No.II, Tindivanam.

2. The Public Prosecutor,  
Madras High Court.



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**M.DHANDAPANI, J.**

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